

FILED

APR 26 2012

IN THE UNITED STATES DISTRICT COURT

PATRICK E. DUFFY, CLERK

By DEPUTY CLERK, MISSOULA

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

UNITED STATES OF AMERICA,)

Cause No. CR 05-40-M-DWM

Plaintiff,)

vs.)

ORDER DENYING MOTION FOR
LETTER TO BUREAU OF PRISONS

ERIC JOSHUA JACOBSON,)

Defendant.)

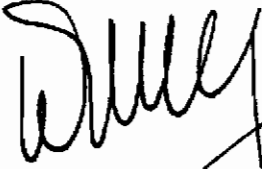
On or about April 9, 2012, Defendant Eric Jacobson wrote a letter to the Court, seeking approval of his request to the Bureau of Prisons to retroactively designate Montana State Prison as the place where he began to serve his federal sentence. *See, e.g., Reynolds v. Thomas*, 603 F.3d 1144, 1146-47 (9th Cir. 2010). Jacobson is a federal prisoner proceeding pro se.

It is not appropriate to write letters to a Judge. Such a communication is *ex parte* and is prohibited. On this occasion, regardless, the letter has been filed, the United States has received a service copy, and I will address the letter as a motion.

Although he was subject to a twenty-year mandatory minimum, 21 U.S.C. § 841(b)(1)(C), Jacobson was sentenced in this Court to serve 132 months in prison, to be followed by a ten-year term of supervised release, for distribution of an illegal drug that killed Jessica Lawhorn. His state sentence was a probation revocation sentence. Revocation sentences traditionally run consecutively to other sentences. *See, e.g.,* U.S.S.G. §§ 5G1.3 Application Note 3(C), 7B1.3(f) (Nov. 1, 2004). For that reason, I do not agree that the Bureau of Prisons should designate Montana State Prison as the facility where Jacobson began serving his federal sentence.

Accordingly, IT IS HEREBY ORDERED that Jacobson's letter, construed as a motion (doc. 42), is DENIED.

DATED this 26th day of April, 2012.



Donald W. Molloy
United States District Court

